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Docket No.: 065933-0235 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Customer Number: 20277
Hideaki YAMAUCHI	:	Confirmation Number: 2912
Application No.: 10/077,136	:	Tech Center Art Unit: 2623
Filed: February 14, 2002	:	Examiner: Harun M. Yimam

For: IMAGE DATA TRANSMISSION APPARATUS AND IMAGE DATA RECEIVING APPARATUS

TRANSMITTAL OF AMENDED APPEAL BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amended Appeal Brief is submitted in response to the Notice of Non-Compliant Appeal Brief dated December 14, 2006.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. 1.17 and 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Gene Z. Rubinson

Gene Z. Rubinson
Registration No. 33,351

Please recognize our Customer No. 20277 as our correspondence address.

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 GZR:lnm
Facsimile: 202.756.8087
Date: January 4, 2007

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amended Appeal Brief is submitted in support of the Notice of Appeal, filed August 10, 2006, of the final rejection of claims 2 through 4, 6 through 10, 12 through 14, and 16 through 21. The Amended Appeal Brief is submitted in response to the Notification of Non-Compliant Appeal Brief, dated December 14, 2006.

I. REAL PARTY IN INTEREST

This application is assigned to Sanyo Electric Co., Ltd.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1 through 22 were initially pending. Claims 4, 6, 7, 17 and 19 were cancelled in the Amendment filed July 31, 2006, upon even date with the filing of the Notice of Appeal. The Advisory Office Action, dated September 6, 2006 entered the July Amendment for purposes of the present Appeal. Claims 1, 5, 11, 15 and 22 were cancelled earlier. Thus, claims 2, 3, 8 through 10, 12 through 14, 16, 18, 20 and 21 are the only claims now pending in this application and presently under appeal. At least some of the pending claims have been twice rejected. The rejection currently of record is set forth in the Office Action dated February 10, 2006 (hereinafter referred to as "the Office Action").

IV. STATUS OF AMENDMENTS

An amendment filed July 31, 2006 has been filed subsequent to the final Office Action and has been entered in the Advisory Office Action dated September 6, 2006.

V. SUMMARY OF INVENTION

The disclosure relates to the transmission and receipt of image data. Image data, for example motion picture image data, should be received at a rate that is appropriate for the receiving apparatus to process the data and display the images in real time. If traffic congestion in the transmission network (such as the Internet) limits the rate of transmission of data to a lower rate that causes delays in the reproduction of images, real time display is severely compromised. This problem is described at page 2 of the specification.

In one aspect of the present invention, a transmission apparatus (10, for example in Fig. 2) includes a control unit (12) that controls the amount of image data to be transmitted in accordance with information concerning the transmission rate of a network (30) through which the image data are to be transmitted. The "amount of image data to be transmitted" means the amount of data to be transmitted in order to display a single image or a plurality of images (specification, page 3). For example, the

control unit may reduce the amount of data to be transmitted when the transmission rate on the network is slow. Image data can be transmitted to a receiving apparatus at a constant speed regardless of the transmission rate of the network. Therefore, the receiving apparatus can display the image data in a manner that is not discontinuous.

The control unit may calculate the information concerning the transmission rate on the basis of a measured value of the transmission rate of the network which may be obtained by measuring the transmission rate of previously transmitted data. Transmission rates in the network between various locations also can be communicated to the transmission apparatus. The measured value may be stored in the transmission apparatus as a table, exemplified in Fig. 3, so that the control unit can obtain the measured value by just referring to the table. The table of Fig. 3 correlates specific transmission rates with specific destinations during specific time periods. In the described example, at pages 12 and 13, the transmission rate corresponds to the transmission rate of the network through which the image data is to be transmitted and is expressed as 1, 2, 3, 4 and 5, where the smaller number is the faster. These numbers are determined by previously measured values. Table 16 indicates that during the period from 5:00 a.m. to 6:00 a.m., the image data can be transferred faster to London than to Sydney or New York. The control unit can thus calculate the necessary information by correlating the transmission rate level with a destination and the current time. The control unit may obtain the measured value of the transmission rate while transmitting the image data, and may control the amount of image data to be transmitted in accordance with the measured value (see page 3 of the specification).

The control unit can also control the amount of image data to be transmitted in accordance with information concerning a receiving apparatus (20) that receives the image data. The "information" may concern the type of the receiving apparatus, memory capacity of the receiving apparatus, or any information related to the receiving apparatus. For example, the receiving apparatus information may

be the size of the display of the receiving apparatus, whether the display is in monochrome or color, or the numbers of colors that the display can show. With this information, the transmission apparatus can transmit the image data that satisfies the requirements of the receiving apparatus.

If the image data are motion picture data, the amount of image data can be controlled in accordance with the rate of information received without reducing the number of frames included in the motion picture. The number of frames in the motion picture are maintained, and the receiving apparatus can display the motion picture continuously. The transmission apparatus may further comprise a compression unit (14) that is controlled to adjust resolution of the image data in accordance with the rate of information received. The control unit may control the compression unit to extract lower frequency components from the image data and eliminate higher frequency components from the image data in accordance with the information. It is known that the lower frequency components of image data can reconstruct the basic structure of the image data to a certain extent. The control unit may control the compression unit to reduce bit numbers dedicated to each pixel of the image data according to the information.

The image data receiving apparatus (20, Fig. 2; 50, Fig. 4; 70, Fig. 5) receives image data and contains a control unit (52, 74) that controls the amount of image data to be received in accordance with information concerning the transmission rate of the network. The control unit may reduce the amount of image data to be received when the transmission rate is slow. When the receiving apparatus cannot receive all of the data transmitted from a transmission apparatus, the receiving apparatus may inform the transmission apparatus of the fact, or the receiving apparatus may just ignore the fact. In either case, with this method of operation, incoming image data can be received without delay. A decoding unit (55, 72) performs data processing on the received data. The control unit may control the amount of image data to be received in accordance with information concerning the performance speed

of the decoding unit. The control unit may control the amount of image data in accordance with information concerning the specification of the display unit. The receiving apparatus thus avoids receiving irrelevant data that are useless to the display unit.

The control unit may monitor the amount of received data and may instruct the transmission apparatus to terminate transmission of image data when the amount of received data reaches a predetermined quantity of image data and/or a predetermined component of the image data as well. With this information, the transmission apparatus may cease transmitting the remaining image data.

As required by the Notice of Non-Compliant Appeal Brief, dated December 14, 2006, a "mapping" of claims 2, 3, 12, 13, 14, 16, 18, 20 and 21 to specification by page and line number and drawings is as follows:

> 2. An image data transmission apparatus comprising:
> a transmission unit that transmits image data *[page 12, line 7; Fig. 2, 15]*; and
> a control unit that calculates information concerning the transmission rate on the basis of a measured value of the transmission rate of a network through which said image data are to be transmitted and controls the amount of image data to be transmitted in accordance with said information *[page 12, line 16; Fig. 2, 12; page 3, line 17]*.
>
> 3. An image data transmission apparatus comprising:
> a transmission unit that transmits image data *[page 12, line 7; Fig. 2, 15]*; and
> a control unit that obtains a measured value of the transmission rate while transmitting said image data and controls the amount of image data to be transmitted in accordance with said measured value *[page 12, line 16; Fig. 2, 12; page 6, line 7.*
>
> 12. An image data receiving apparatus comprising:
> a receiving unit that receives image data *[page 12, line 16; Fig. 2, 13]*; and
> a control unit that calculates information concerning the transmission rate on the basis of a measured value of the transmission rate of a network through which said image data are to be transmitted and controls the amount of image data to be received in accordance with said information *[page 12, line 16; Fig. 2, 12; page 3, line 17]*.

13. An image data receiving apparatus comprising:

a receiving unit that receives image data *[page 12, line 16; Fig. 2, 13]*; and

a control unit that obtains a measured value of the transmission rate while receiving said image data, and controls the amount of image data to be received in accordance with said measured value *[page 12, line 16; Fig. 2, 12; page 5, lines 14-26]*.

14. An image data receiving apparatus comprising:

a receiving unit that receives image data *[page 16, line 4; Fig. 4, 54]*;

a decoding unit that performs data processing on the received data *[page 16, line 4; Fig. 4, 55]*; and

a control unit that controls the amount of image data to be received in accordance with information concerning the amount of data stored in a buffer of the decoding unit *[page 16, line 3; Fig. 4, 52; page 19, lines 13-23]*.

16. An image data receiving apparatus comprising:

a receiving unit that receives image data *[page 16, line 4; Fig. 4, 54]*; and

a control unit that controls the amount of image data to be received in accordance with information concerning the transmission rate of a network through which said image data are to be transmitted data *[page 6, line 25-page 7, line 10]*,

wherein said control unit monitors the amount of received data and instructs a transmission apparatus to terminate transmission of said image data when the receiving apparatus receives a predetermined component of the image data *[page 6, line 25-page 7, line 10]*.

18. An image transmitting method comprising:

transmitting image data *[page 3, line 2]*;

calculating information concerning the transmission rate on the basis of a measured value of the transmission rate of a network through which said image data are to be transmitted *[page 3, line 17]*; and

controlling the amount of image data to be transmitted in accordance with said information *page 3, line 20]*.

20. An image receiving method comprising:

receiving image data *[page 5, line 16]*;

calculating information concerning the transmission rate on the basis of a measured value of the transmission rate of a network through which said image data are to be transmitted *[page 6, line 1]*; and

controlling the amount of image data to be received in accordance with said information *[page 6, line 7]*.

21. An image receiving method comprising:
receiving image data *[page 6, line 11]*;
performing data processing on the received image data for displaying said image data *[page 6, line 12]*; and
controlling the amount of image data to be received in accordance with information concerning the amount of data stored in a buffer of the decoding unit *[page 6, line 13]*.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 2, 3, 8, 10, 12 through 14, 18, 20 and 21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. published application 2001/0047517 (hereinafter "Christopoulos").

Claims 9, 14, 16 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Christopoulos in view of U.S. published application 2001/0003532 (hereinafter "Ejiri").

VII. ARGUMENT

Legal precedent is well developed on the subjects of lack of novelty and of obviousness in the application of rejections, respectively, under 35 U.S.C. §102 and 103.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the recognized possession of one having ordinary skill in the art. *Dayco Prods., Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 USPQ2d 1801 (*Fed. Cir.* 2003); *Crown Operations International Ltd. v. Solutia Inc.*, 289 F.3d 1367, 62 *USPQ2d* 1917 (*Fed. Cir.* 2002). When imposing a rejection under 35 U.S.C. § 102, the Examiner is required to specifically identify wherein an applied reference identically discloses each and every feature of a claimed invention, particularly when such is not apparent. *In re Rijckaert, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984).*

It is incumbent upon the examiner to factually support a conclusion of obviousness. *In re Mayne*, 104 F.3d 1339, 41 USPQ2d 1451 (Fed. Cir. 1997); *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). The examiner must provide a reason why one having ordinary skill in the art would have been led to modify a particular prior art reference in a particular manner to arrive at a particular claimed invention; *Ecolochem Inc. v. Southern California Edison, Co.*, 227 F.3d 361, 56 USPQ2d 1065 (Fed. Cir. 2000); *In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998). *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 281, 227 USPQ 657 (Fed. Cir. 1985); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967).

In order to establish the requisite motivation, "clear and particular" factual findings must be made as to a specific understanding or specific technological principle which would have realistically compelled one having ordinary skill in the art to modify a particular reference to arrive at the claimed invention, based upon facts, not generalizations. *Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 57 UPSQ2d 1161 (Fed. Cir. 2000); *Ecolochem Inc. v. Southern California Edison, Co.* 227 F.3d 361, 56 USPQ2d 1065 (Fed. Cir. 2000); *In re Kotzab*, 217 F.3d 1365, 55 USPQ 1313 (Fed. Cir. 2000); *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). Whether the prior art may be capable of modification, and what may or may not be known in general, do not establish the requisite realistic motivation for obviousness; see *In re Deuel*, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995). The question is not what one having ordinary skill in the art could or could not do, but, rather, why would one having ordinary skill in the art have been realistically impelled to deviate from the express teachings of Christopoulos to arrive at the claimed invention. *Gentry Gallery v. Berkline*, 134 F.3d

1473, 45 USPQ2d 1498 (Fed. Cir. 1998); *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992).

It is respectfully submitted that the record has not met the established criteria for a determination of anticipation under 35 U.S.C. § 102 or of obviousness under 35 U.S.C. § 103.

A. The rejection of claims 2, 8, 10 and 18 under 35 U.S.C. § 102 for anticipation by Christopoulos

Independent claim 2 recites, *inter alia*, the following:

> An image data transmission apparatus comprising:
>
> a control unit that calculates information concerning the transmission rate on the basis of a measured value of the transmission rate of a network through which said image data are to be transmitted and controls the amount of image data to be transmitted in accordance with said information.

The Office Action, at page 4, reads the claimed control unit on the transcoder 125 disclosed by Christopoulos, stating that information is calculated by the unit based on a measured value of the transmission rate of the network. Paragraphs 0035, 0038 and 0039 Christopoulos are specifically relied upon.

It is submitted that there is no disclosure in Christopoulos of basing calculation on a measured value of the transmission rate of data through the network. The transcoder 125 reformats multimedia data using so-called transcoder hints to determine the bit rate at which an image is to be encoded, as stated in the following portion of paragraph [0039]:

> As illustrated in FIG. 4, the type of transcoder hints for still images can include bit rate, resolution, image cropping and region of interest transcoder hints. Images stored in a database may have to be transmitted to clients with reduced bandwidth capabilities. For example, an image stored at 2 bpp may have to be transcoded at 0.5 bits per pixel (bpp) in order to be transmitted quickly to a client. In the case of a JPEG compressed image, a requantization of the discrete cosine transform (DCT) coefficients would be performed. Encoding an image at a

> specific bit rate requires the transcoder to perform an iterative procedure to determine the proper quantization factors for achieving a specific bit rate. This iterative procedure adds significant delays in the delivery of the image and increases the computational complexity in the transcoder. To reduce the delays and the computational complexity in the transcoder, the transcoder can be informed of which quantization factor to use in order to achieve a certain bit rate or to re-encode the image at a bit rate that is a certain percentage of the one that the image is initially coded, or a certain range of bit rates.

Paragraph [0035] states that transcoder hints are based upon client capabilities, user preferences, link characteristics and/or network characteristics.

Christopoulos does not disclose obtaining a measured value of the network transmission rate or controlling the amount of image data to be transmitted in accordance with the measured value. Although a "transcoder hint" may be a network characteristic, there is no suggestion that a network characteristic is anything other than the makeup of the hardware configuration of the network or the designed transmission capability. While the transcoder 125 may determine the bit rate that it is to encode data based on one or more of these hints, there is no suggestion that the amount of image data to be transmitted is controlled in accordance with the measured transmission rate of the network.

The claimed phrase "amount of image data to be transmitted" is defined in the specification at page 3 to mean the amount of data to be transmitted in order to display a single image or a plurality of images. According to Christopoulos, the transcoder 125 determines the encoding bit rate based on the "hints." Christopoulos is silent as to determining the amount of data to be transmitted, as that claimed feature is defined in the present disclosure.

It is submitted, therefore, that lack of novelty of claim 2, and its dependent claims 8 and 10, under 35 U.S.C. § 102 has not been established. Claim 18 requires, in method format, the same functionality recited in claim 2 and, likewise, finds no teaching in Christopoulos.

B. The rejection of claim 3 under 35 U.S.C. § 102 for anticipation by Christopoulos

Claim 3 recites, *inter alia*, the following:

> a control unit that obtains a measured value of the transmission rate while transmitting said image data and controls the amount of image data to be transmitted in accordance with said measured value.

Christopoulos does not disclose or suggest that the transcoder 125 obtains a measured value of the network transmission rate *while transmitting* image data, nor that the amount of image data to be transmitted is controlled in accordance therewith.

It is submitted, therefore, that lack of novelty of claim 3 under 35 U.S.C. § 102 has not been established.

C. The rejection of claims 12 and 20 under 35 U.S.C. § 102 for anticipation by Christopoulos

Claim 12 recites an image data receiving apparatus comprising, *inter alia*, the following:

> a control unit that calculates information concerning the transmission rate on the basis of a measured value of the transmission rate of a network through which said image data are to be transmitted and controls the amount of image data to be received in accordance with said information.

The Office Action presents the rejection of claim 12 at page 5. The claimed receiving apparatus is compared with client system 135 in Fig. 1 of Christopoulos. For the purpose of the above reproduced claim language, the Office Action assumes that client system 135 includes the gateway 120, and thus the transcoder 125. It is submitted that the Office Action does not establish that all limitations of claim 12 are disclosed by Christopoulos, for the following reasons.

Christopoulos does not disclose obtaining a measured value of the network transmission rate or controlling the amount of image data to be transmitted in accordance with the measured value. If the transcoder is indeed to be read as being included in the client receiving apparatus 135, there is nothing

in the Christopoulos disclosure to suggest that the transcoder controls the *amount* of data *to be received*, rather than the more likely function of determining the bit rate at which the already received data is to be decoded.

It is submitted, therefore, that lack of novelty of claim 12 under 35 U.S.C. § 102 has not been established. Claim 20 requires, in method format, the same functionality recited in claim 2 and, likewise, finds no teaching in Christopoulos.

D. The rejection of claim 13 under 35 U.S.C. § 102 for anticipation by Christopoulos

Claim 13 recites an image data receiving apparatus comprising, *inter alia*, the following:

> a control unit that obtains a measured value of the transmission rate while receiving said image data, and controls the amount of image data to be received in accordance with said measured value.

Christopoulos does not disclose or suggest that the transcoder 125 (whether located in external gateway or in the client receiver system) obtains a measured value of the network transmission rate *while receiving* image data, nor that the amount of image data to be received is controlled in accordance therewith.

It is submitted, therefore, that lack of novelty of claim 13 under 35 U.S.C. § 102 has not been established.

E. The rejection of claims 14 and 21 under 35 U.S.C. § 102 for anticipation by Christopoulos

Claim 14 recites an image data receiving apparatus comprising, *inter alia*, the following:

> a control unit that controls the amount of image data to be received in accordance with information concerning the amount of data stored in a buffer of the decoding unit.

The Office Action does not address claims 14 and 21 in the statement of the rejection, nor identify subject matter disclosed in Christopoulos that anticipates the recitations reproduced above. The Office Action, therefore, fails to establish a tenable rejection of claim 14 under 35 U.S.C. § 102. These claims have been identified as being also rejected under 35 U.S.C. § 103 in a later section of the Office Action. It is assumed that the inclusion of claims 14 and 21 in the rejection based on 35 U.S.C. § 102 was an inadvertent error.

F. The rejection of claim 9 under 35 U.S.C. § 103

Claim 9 is dependent from claim 2 and additionally requires the following:

> a compression unit that compresses said image data to be transmitted;
>
> wherein said control unit controls said compression unit to extract low frequency components from said image data in accordance with said information.

Christopoulos lacks disclosure of a compression unit that extracts low frequency components from image data. The Office Action recognizes a lack of such teaching and relies upon Ejiri (paragraph 0024) for its conclusion that it would have been obvious to extract low frequency components of the image data in Christopoulos "for the benefit of transmitting dynamic image data." The Ejiri paragraph describes discrete cosine transformation to exploit a low frequency spectrum concentration characteristic of an image. The Office Action does not establish why a person of ordinary skill in the art would have been impelled to modify Christopoulos, which discloses the "benefit of transmitting dynamic image data" without the need for a purported further benefit of low frequency extraction.

Moreover, the teachings of Ejiri in combination with those of Christopoulos do not suggest obtaining a measured value of the network transmission rate or controlling the amount of image data to

be transmitted in accordance with the measured value, as required by parent claim 2. Claim 9, therefore, is submitted to be patentably distinguishable.

G. The rejection of claims 14 and 21 under 35 U.S.C. § 103

Claims 14 and 21 require that data processing be performed on received image data, the amount of amount of image data to be received in accordance with information concerning the amount of data stored in a buffer of the decoding unit.

The Office Action, at page 10, recognizes that Christopoulos does not disclose controlling the amount of image data to be received in accordance with information concerning the amount of data stored in a buffer of the decoding unit. Paragraph 0040 of Ejiri has been relied upon for concluding that it would have been obvious to provide such feature in the Christopoulos system.

Ejiri merely discloses updating quantization parameters in accordance with the buffer occupancy of the smoothing buffers of an encoder. Unlike the claimed invention, Ejiri does not disclose controlling the amount of image data to be received in accordance with the amount of data stored in an input buffer of a decoder, monitoring the amount of data received, and terminating transmission of the image data when the receiving apparatus receives a predetermined component of the image data. It is submitted, therefore, that the combined teachings of Christopoulos and Ejiri would not have led a person of ordinary skill in the art to the invention recited in claims 14 and 21.

H. The rejection of claim 16 under 35 U.S.C. § 103

Claim 16 recites an image data receiving apparatus having a control unit that controls the amount of image data to be received in accordance with information concerning the transmission rate of a network through which said image data are to be transmitted. The control unit monitors the

amount of received data and instructs a transmission apparatus to terminate transmission of said image data when the receiving apparatus receives a predetermined component of the image data.

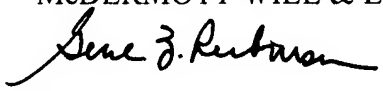
As set forth in section G supra, Ejiri does not disclose controlling the amount of image data to be received in accordance with the amount of data stored in an input buffer of a decoder, monitoring the amount of data received, and terminating transmission of the image data when the receiving apparatus receives a predetermined component of the image data. In contrast to the assertion in the Office Action, it is submitted that paragraph [0040] of Ejiri does not disclose or suggest these claimed features.

VIII. CONCLUSION

In summary, based upon the arguments submitted *supra*, Appellant respectfully submits that the rejections of all pending claims imposed under 35 U.S.C. §§ 102 and 103 are not legally viable. Reversal of the rejection is respectfully solicited.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Gene Z. Rubinson
Registration No. 33,351
Please recognize our Customer No. 20277 as our correspondence address.

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 GZR:lnm
Facsimile: 202.756.8087
Date: January 4, 2007

IX. CLAIMS APPENDIX

2. An image data transmission apparatus comprising:

a transmission unit that transmits image data; and

a control unit that calculates information concerning the transmission rate on the basis of a measured value of the transmission rate of a network through which said image data are to be transmitted and controls the amount of image data to be transmitted in accordance with said information.

3. An image data transmission apparatus comprising:

a transmission unit that transmits image data; and

a control unit that obtains a measured value of the transmission rate while transmitting said image data and controls the amount of image data to be transmitted in accordance with said measured value.

8. An apparatus according to Claim 2, further comprising a compression unit that compresses said image data to be transmitted;

wherein said control unit controls said compression unit to adjust resolution of said image data in accordance with said information.

9. An apparatus according to Claim 2, further comprising a compression unit that compresses said image data to be transmitted;

wherein said control unit controls said compression unit to extract low frequency components from said image data in accordance with said information.

10. An apparatus according to Claim 2, further comprising a compression unit that compresses said image data to be transmitted;

wherein said control unit controls said compression unit to reduce bit numbers dedicated to each pixel of said image data in accordance with said information.

12. An image data receiving apparatus comprising:

a receiving unit that receives image data; and

a control unit that calculates information concerning the transmission rate on the basis of a measured value of the transmission rate of a network through which said image data are to be transmitted and controls the amount of image data to be received in accordance with said information.

13. An image data receiving apparatus comprising:

a receiving unit that receives image data; and

a control unit that obtains a measured value of the transmission rate while receiving said image data, and controls the amount of image data to be received in accordance with said measured value.

14. An image data receiving apparatus comprising:

a receiving unit that receives image data;

a decoding unit that performs data processing on the received data; and

a control unit that controls the amount of image data to be received in accordance with information concerning the amount of data stored in a buffer of the decoding unit.

16. An image data receiving apparatus comprising:

a receiving unit that receives image data; and

a control unit that controls the amount of image data to be received in accordance with information concerning the transmission rate of a network through which said image data are to be transmitted,

wherein said control unit monitors the amount of received data and instructs a transmission apparatus to terminate transmission of said image data when the receiving apparatus receives a predetermined component of the image data.

18. An image transmitting method comprising:

transmitting image data;

calculating information concerning the transmission rate on the basis of a measured value of the transmission rate of a network through which said image data are to be transmitted; and

controlling the amount of image data to be transmitted in accordance with said information.

20. An image receiving method comprising:

receiving image data;

calculating information concerning the transmission rate on the basis of a measured value of the transmission rate of a network through which said image data are to be transmitted; and

controlling the amount of image data to be received in accordance with said information.

21. An image receiving method comprising:

receiving image data;

performing data processing on the received image data for displaying said image data; and

controlling the amount of image data to be received in accordance with information concerning the amount of data stored in a buffer of the decoding unit.

X. EVIDENCE APPENDIX

No evidence has been submitted of record under 37 CFR 1.130, 1.131 or 1.132.

XI. RELATED PROCEEDINGS APPENDIX

No decisions have been rendered in Related Appeals or Interferences.